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Tokelau

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 (*e*) of the Charter of the United Nations. Information was transmitted by the administering Power on 23 January 2012. Further details are contained in previous working papers posted on the United Nations and decolonization website, www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Tokelau is a Non-Self-Governing Territory under the Charter administered by New Zealand.

Representative of administrative Power: Administrator Jonathan Kings.

Geography: Tokelau comprises three small atolls: Fakaofo, Nukunonu and Atafu. Each atoll comprises strips of land up to 200 m wide and not more than 5 m above sea level. Samoa, located 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

Land area: 12.2 km^2.

Exclusive economic zone: 318,990 km^2.[a]

Population: 1,411 (October 2011 census). About 7,000 Tokelauans live in New Zealand. As New Zealand citizens, Tokelauans may also reside in Australia.

Ethnic composition: Tokelauans are Polynesians with linguistic, family and cultural links with Samoa.

Languages: Tokelauan. English and Samoan are also widely used.

Capital: None. Each atoll has its own administrative centre.

Head of the territorial Government: Ulu-o-Tokelau. The position rotates among the leader of each atoll on an annual basis.

Main political parties: None.

Elections: Held in January every third year. The next election is due in January 2014. Representation in the General Fono currently stands at Atafu (7 delegates), Nukunonu (6) and Fakaofo (7).

Legislature: The unicameral General Fono, a 20-member legislature.

Economy: The principal source of revenue is assistance provided by New Zealand. Additional revenue is generated by fisheries licence fees and sales of copra, postage stamps, souvenir coins and handicrafts.

Monetary unit: New Zealand dollar ($NZ).

Gross domestic product per capita: US$ 1,000 (2003 estimate).

History in brief: Originally inhabited by Polynesians from surrounding islands, Tokelau became a British protectorate in 1889 and in 1925 administration was transferred to New Zealand. By the Tokelau Act 1948, sovereignty over Tokelau was transferred to New Zealand.

[a] Exclusive economic zone data from J. D. Bell, J. E. Johnson and A. J. Hobday, *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Noumea, Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional and political developments

A. Local self-governance

1. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8, A/AC.109/2005/3, A/AC.109/2006/10, A/AC.109/2007/11, A/AC.109/2008/1, A/AC.109/2009/2, A/AC.109/2010/3 and A/AC.109/2011/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern house of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework that suited an atoll- or village-based self-governing community that respected traditional decision-making customs.

2. In accordance with the terms of the 1998 "Modern house of Tokelau" report, General Fono delegates are now elected on the basis of proportional village representation with delegates elected through universal village suffrage, rather than a system of equal village representation with delegates appointed by the respective Village Councils, as was previously the case. In 2004, further decisions were made on the method of appointment of the Chair of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is the executive Government when the General Fono is not in session. The Council consists of three Faipule (representative of each village) and three Pulenuku (mayor of each village). The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. The position was held in 2010 by the Faipule for Atafu and in 2011 by the Faipule of Fakaofo. In March 2012, the new Faipule for Atafu will take over as Ulu.

3. Since 2004, the three Village Councils have taken full responsibility for all village public services. That decision emanated from the Modern House of Tokelau approach, whereby the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for activities that needed to be handled at the national level (see A/AC.109/2005/3). The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, who is based in Wellington and is appointed by the New Zealand Minister for Foreign Affairs. The Office of the Administrator has day-to-day responsibility for relations between New Zealand and Tokelau. The New Zealand Secretary of Foreign Affairs and Trade currently acts in this position. The remaining aspect of the Modern House project, known as Friends of Tokelau (i.e., keeping Tokelauan communities in New Zealand and other interested parties informed of developments), is handled by the Office of the Council of Ongoing Government of Tokelau and the Office of the Administrator in Wellington. The Office of the Administrator has been incorporated into a Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue), and is staffed by officers of the Ministry of Foreign Affairs and Trade. A member of the Tokelau Public Service works in the Office of the Administrator.

B. Referendum process

4. In 2003, the General Fono took a formal decision, with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice to be actively explored with the New Zealand Government". In August 2005, the General Fono approved a draft constitution as the basis for the proposed act of self-determination, as well as the text of a draft treaty of free association between Tokelau and New Zealand. In November 2005, the New Zealand Cabinet gave its formal approval. The so-called "referendum package", consisting of the draft treaty and the draft constitution, was to form the basis for the referendum on self-determination. In line with a decision by the General Fono, an overall majority of two thirds of the valid votes cast was required for a change to the status of Tokelau.

5. The first referendum on self-determination was held sequentially in Apia and on the three atolls from 11 to 15 February 2006 (see A/AC.109/2006/20). The outcome of the referendum fell short of the required two-thirds majority, with 60 per cent of valid Tokelauan votes cast in favour of self-government in free association with New Zealand. The United Nations, which formally monitored the referendum, deemed the process credible and reflective of the will of the people of Tokelau. A representative of the Special Committee accompanied by a Political Affairs Officer of the Department of Political Affairs of the Secretariat also observed the referendum process.

6. In August 2006, the General Fono voted to hold a second referendum on Tokelauan self-determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority.

7. The second referendum was held from 20 to 24 October 2007. The result, with 64.4 per cent in favour, was again below the two-thirds threshold, thereby leaving the status of the Territory unchanged (see A/AC.109/2007/19). As with the first referendum, the United Nations formally monitored the voting, with representatives of the Special Committee on Decolonization and the Department of Political Affairs present as observers.

8. Following the results of the second referendum, the General Fono requested the Government of New Zealand to keep on the table the entire self-determination package (i.e., the draft treaty and draft constitution that had been agreed on and had served as the foundation for the previous ballots). The Council of Ongoing Government noted that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that a threshold was supported by a clear majority in each village to guarantee unity. The Council of Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish to have a constitution, albeit one that did not encompass the free association self-government provisions.

9. The outcomes of the referendums, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the 2007 referendum result, the then Prime Minister of New Zealand met with Tokelau's leaders in February 2008, to discuss the next steps in the New Zealand-Tokelau

relationship. It was agreed that a "pause" should be taken in Tokelau's self-determination efforts, and that in the meantime Tokelau would focus on meeting its basic needs.

II. Economic conditions

A. General economic overview

10. Tokelau faces major constraints on its economic growth, including such natural disadvantages as small size, isolation, wide spread of the atolls, lack of natural resources and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power. With the continued assistance of New Zealand, the Council of Ongoing Government of Tokelau intends to maintain its focus on implementing various priority projects related to infrastructure, the delivery of core services and shipping, as well as on developing the villages, and to strengthening the General Fono, the Council of Ongoing Government of Tokelau and the Tokelau Public Service.

11. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the General Fono and other public entities. Work is under way to implement a new fisheries policy to maximize the benefits received from Tokelau's most significant natural resource.

12. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposit at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

13. At the end of 2011, Tokelau, in a joint decision with Samoa, changed its time zone westward across the international dateline in order to bring the territory closer in time to neighbouring countries. The time shift, which had been voted by the General Fono, is expected to facilitate trade relations and other contacts with New Zealand, Samoa and other neighbours.

B. The administering Power's assistance to Tokelau

14. In 2011, New Zealand and Tokelau signed a Joint Commitment for Development which sets out joint priorities for the following five years. The focus for development assistance remains securing a viable transport solution, developing a strong fisheries resource and improving health and education standards. Both Tokelau and New Zealand have reaffirmed their commitment to activities and projects that can be viably established and maintained.

15. Assistance is provided through budget support and through specific projects. In the 2011/12 financial year, US$ 18 million will be contributed as assistance to Tokelau. The Tokelau International Trust Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau in the future. With contributions from Australia, New Zealand, Tokelau and the United Kingdom of Great Britain and Northern Ireland, the level of the Fund now stands at approximately $NZ 62 million.

16. In the second half of 2011, a long drought blamed on a La Niña weather pattern caused a water shortage on the atolls, prompting the Ulu of Tokelau to declare a national emergency. In a statement to the Fourth Committee of the General Assembly in October 2011, the representative of New Zealand described the work undertaken with the Territory and other partners to address the crisis, including a joint air and sea operation by New Zealand and the United States of America to provide water containers and desalinization equipment.

C. Transport and communications

17. Tokelau has no airstrips and its main transportation option is provided by regular passenger and cargo services between Apia and Tokelau, primarily on vessels under charter from Samoa Shipping Corporation Ltd. Additional charters by larger vessels are occasionally funded to meet Tokelau's transport needs. The United Nations mission that visited the Territory in August 2002 had concluded that the lack of transportation options was one of the greatest obstacles to economic and social development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Recognizing that the quality of the transport service linking Tokelau's atolls and providing contact with Samoa lies at the heart of its ongoing viability, New Zealand, as the administering Power, has committed to implementing a total transport solution that will meet Tokelau's transport needs.

18. The ongoing development of Tokelau's infrastructure and maintenance of existing facilities is a major facet of relations between Tokelau and New Zealand. Decisions on the prioritization of projects rest with the Government of Tokelau, both at the public service level and the Village Council level. Upgrading of schools and health centres is being accorded the highest priority on each atoll.

19. For more than a decade, large investments have been made to facilitate Tokelauan contacts, both inter-atoll and with the outside world. The Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was established in 1997. A website (www.dot.tk) became operational in January 2002 and offers both free and paid domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. Pursuant to a request from the atolls, the Corporation began to install new equipment in the atolls in 2009 to boost telecommunication services in the villages and to assist in creating Internet-based long-distance education opportunities.

20. The radio stations inaugurated in 2002 are seen as an excellent means of maintaining the Territory's cultural heritage, as well as facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

D. Power supply

21. Tokelau remains keenly committed to maximum reliance on renewable energy, for environmental and economic reasons, and is working to develop appropriate strategies. New Zealand and Tokelau have signed an arrangement which will allow for the installation of solar energy panels, enabling Tokelau to become almost entirely reliant on renewable energy. As a Pacific Island highly influenced by climate change, Tokelau sees its lead on renewable energy as an example to the developed world.

III. Social conditions

A. General

22. According to the United Nations Population Fund (UNFPA), because of its relatively high fertility, Tokelau's population remains young, with 35 per cent of the population under 15 years and a median age of 23. The proportion of the population aged 60 and over is 12 per cent. Ageing is clearly a trend in Tokelau. UNFPA considers that improvements in life expectancy and a further decline in fertility will ensure an increase in this proportion. It will be important to ensure that appropriate services are available to support the needs of the elderly. UNFPA figures for 2011 show the following age groups: 0-14 years (32.5 per cent); 15-59 years (55.2 per cent), and 60 and over (12.3 per cent). The median age is 23.2. According to *The State of Pacific Youth*, published in 2011 by the United Nations Children's Fund (UNICEF Pacific) and the Secretariat of the Pacific Community, Tokelau's adolescent birth rate is considered to be in the middle range compared with Australia, Japan and New Zealand.

23. On December 2011, Statistics New Zealand and the Tokelau Statistics Unit released the final outcome of the five-yearly population census held on 18 October 2011. Three population counts or concepts were used: the de jure usually resident population (used for distributing funds to the atolls); the usually resident population present in Tokelau on census night; and the census night population. The final results show a de jure population (comprising the usually resident population present in Tokelau on census night and the usually resident absentee subpopulation) of 1,411. This figure compares with the final 2006 Tokelau census population count of 1,466 people, representing a decrease of 3.8 per cent.

B. Education

24. Under Tokelau's compulsory education system, primary and secondary educations are available to everyone. As one of the owners of the University of the South Pacific, Tokelau has access to the University's educational telecommunication system through a satellite established in Atafu. In spite of significant funding for education over many years, education standards on the atolls remain relatively low. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in New Zealand, Samoa and elsewhere. A major infrastructure renewal programme is continuing in Tokelau, which includes the provision of new schools in Atafu and Fakaofo. Efforts have also

been devoted to curriculum development, training of principals and senior staff and the extension of secondary schooling in 2009 to cover year 13. Tokelau is also working closely with the Secretariat of the Pacific Community to explore better Internet access.

C. Health care

25. The provision of adequate health services to the populations of three dispersed atolls connected to the wider world by sea transport remains a major challenge for Tokelau.

26. The major non-local sources of contributions to health care are the Government of New Zealand, WHO, UNICEF, UNFPA and the United Nations Development Programme (UNDP) as well as the Government of Australia and the Secretariat of the Pacific Community. The priorities of the national health plan are: (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health-service system.

27. Each of Tokelau's atolls has a basic health centre, staffed and equipped to deliver core medical care and related services. Considerable attention and funding are devoted to this core area of Tokelau's needs. As part of a major infrastructure renewal programme, the health centre on Nukunonu is being substantially improved.

28. The 2011 country health information profile from WHO states that while the overall health status is reasonably good, changes have been observed in the past 20 years. As in other areas in the Pacific, there has been an increase in non-communicable diseases, with cerebrovascular and cardiovascular diseases the leading causes of death. The mortality rate due to cardiovascular diseases was 17 per cent between 2007 and 2010. Tobacco and alcohol consumption are relatively high among the adult population and more prominent in males. Obesity is common and is attributed to diet and physical inactivity. There is an observable diet shift away from local towards imported foods.

IV. External relations

29. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory has insufficient international legal personality to enter into formal international legal obligations as a State in its own right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

30. Tokelau is seeking to grow its engagement with regional and international organizations. Tokelau is a member of the Secretariat of the Pacific Community, the Pacific Community Coastal Fisheries Programme, the Council of the University of the South Pacific, the South Pacific Regional Environment Programme and the Pacific Islands Forum Fisheries Agency. It holds observer status with the Pacific Islands Forum. In October 2005, Tokelau was admitted as an associate member of

the Pacific Community Applied Geoscience Commission. Tokelau is also an associate member of WHO and of the United Nations Educational, Scientific and Cultural Organization and, in 2011, became an associate member of the Food and Agriculture Organization of the United Nations. In addition to its relationship with New Zealand, Samoa is an important bilateral contact for Tokelau. Tokelau attended the United Nations Climate Change Conference held in Durban, South Africa, in 2011 as part of the New Zealand delegation. At the Conference, the Head of the Territorial Government voiced his concerns over the impact of climate change on the Territory and the ongoing plans to rely completely on renewable energy by the end of 2012.

V. Future status of the Territory

A. Position of the territorial Government

31. Speaking at the 2011 Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: goals and expected accomplishments, the representative of Tokelau said that the Territory enjoyed a high degree of autonomy and gratefully acknowledged the continued support of the Government of New Zealand. At the same time, he stressed the fact that autonomy was not the same as "being fully answerable to ourselves for our government", and that the aspirations of self-determination remained. However, for the time being, considerations of self-determination had to take second place to the more urgent infrastructure and development needs. There was an ongoing dialogue with New Zealand to ensure that the territory's needs were known. The Joint Commitment for Development between Tokelau and New Zealand 2011-2015 would focus on a viable transportation arrangement, infrastructure development, building human resources capacity and strengthening governance. Tokelau was also very grateful for the work of other organizations, particularly the United Nations. Finally, he emphasized that, despite the threat of climate change on the environment and food supply, the Territory, because of its political status, could not access the Global Environment Facility resources that support adaptation and mitigation efforts. The full text of the statement is available from www.un.org/en/decolonization/regsem2011.shtml.

B. Position of the administering Power

32. As the administering Power for Tokelau, New Zealand has continued to maintain and provide all appropriate support for Tokelau's efforts to determine the will of its people for a possible change of status. New Zealand is appreciative of the inevitable resource and capacity constraints of Tokelau as a small atoll-based community and envisages long-term support for Tokelau. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand's support for Tokelau on this issue. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by those committees on many occasions.

33. Addressing the Special Committee on 24 June 2011, the representative of New Zealand noted that, at the current stage, the primary focus in the relationship was to provide quality services and living conditions for the people of Tokelau. On the basis of the 2008 commitment by New Zealand and Tokelau leaders, "an appreciable period of time" should elapse before any further act of self-determination was undertaken by Tokelau, and both parties in the relationship would devote their time, efforts and resources to address the core requirements of the population of the atolls.

34. Addressing the Fourth Committee on 10 October 2011, the representative of New Zealand stated that her country had to address the core requirements of the atoll populations before Tokelau would undertake any further act of self-determination. The vulnerability of Tokelau had been underlined by the five-month period without rain. She said that the Tokelau National Strategic Plan had formed the basis for a comprehensive planning process that had identified Tokelau's development priorities for the coming four years. Over the past year, progress had been made on the construction of two new schools and a hospital, and on improving the transfer of passengers and goods between ships and the shore, among other things. Health and education, however, were ongoing challenges. The relationship between Tokelau and New Zealand was both strong and positive. Her country would remain respectful of the wishes of the people of Tokelau and receptive to advice from its leaders on how best to further develop the partnership.

C. Consideration of the question by the Special Political and Decolonization Committee (Fourth Committee)

35. Speaking before the Fourth Committee on 6 October 2011, the representative of Papua New Guinea stated that having decided to turn their attention to the Territory's economic and social development, with the cooperation of the administering Power, New Zealand, all that remained for the people of Tokelau was to determine their future political status. The focus now was on fully implementing the Joint Commitment for Development between Tokelau and New Zealand, which included developing transportation and infrastructure, fisheries, human resources and capacity and strengthening governance. UNDP had also provided valuable assistance. He noted that the decolonization process in Tokelau could serve as a model for other Non-Self-Governing Territories.

D. Action taken by the General Assembly

36. At its 81st plenary meeting, on 9 December 2011, the General Assembly adopted without a vote resolution 66/88 on the question of Tokelau.

37. Under the operative part of that resolution, the General Assembly:

1. *Notes* that Tokelau and New Zealand remain firmly committed to the ongoing development of Tokelau for the long-term benefit of the people of Tokelau, with particular emphasis on the further development of facilities on each atoll that meet their current requirements;

2. *Welcomes* the progress made towards the devolution of power to the three taupulega (village councils), in particular the delegation of the Administrator's powers to the three taupulega with effect from 1 July 2004 and

the assumption by each taupulega from that date of full responsibility for the management of all its public services;

3. *Recalls* the decision of the General Fono in November 2003, following extensive consultations in all three villages and a meeting of the Special Committee on the Constitution of Tokelau, to explore formally with New Zealand the option of self-government in free association, and the discussions subsequently held between Tokelau and New Zealand pursuant to the decision of the General Fono;

4. *Also recalls* the decision of the General Fono in August 2005 to hold a referendum on self-government on the basis of a draft constitution for Tokelau and a draft treaty of free association with New Zealand, and notes the enactment by the General Fono of rules for the referendum;

5. *Further recalls* that two referendums to determine the status of Tokelau, held in February 2006 and October 2007, did not produce the two-thirds majority of the valid votes cast required by the General Fono to change Tokelau's status from that of a Non-Self-Governing Territory under the administration of New Zealand;

6. *Commends* the professional and transparent conduct of both the February 2006 and the October 2007 referendums, monitored by the United Nations;

7. *Acknowledges* the decision of the General Fono that consideration of any future act of self-determination by Tokelau will be deferred and that New Zealand and Tokelau will devote renewed effort and attention to ensuring that essential services and infrastructure on the atolls of Tokelau are enhanced and strengthened, thereby ensuring an enhanced quality of life for the people of Tokelau;

8. *Also acknowledges* Tokelau's adoption of its National Strategic Plan for 2010-2015 and the fact that the Joint Commitment for Development between Tokelau and New Zealand 2011-2015 will focus on a viable transportation arrangement, infrastructure development, fisheries development, human resources capacity and the strengthening of governance;

9. *Further acknowledges* the ongoing and consistent commitment of New Zealand to meeting the social and economic requirements of the people of Tokelau, as well as the support and cooperation of the United Nations Development Programme;

10. *Acknowledges* Tokelau's need for continued support from the international community;

11. *Recalls with satisfaction* the establishment and operation of the Tokelau International Trust Fund to support the ongoing needs of Tokelau, and calls upon Member States and international and regional agencies to contribute to the Fund and thereby lend practical support to Tokelau in overcoming the problems of smallness, isolation and lack of resources;

12. *Welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau, and their support for its economic and political aspirations and its increasing participation in regional and international affairs;

13. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops;

14. *Welcomes* the actions taken by the administering Power to transmit information regarding the political, economic and social situation of Tokelau to the Secretary-General;

15. *Also welcomes* the commitment of both Tokelau and New Zealand to continue to work together in the interests of Tokelau and its people;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its sixty-seventh session.

38. At the same meeting, the General Assembly also adopted resolution 66/91 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.